



Drug Offender Reform Act

Drug Offender Reform Act - Pilot Program

*First Annual Report to the Utah Legislature, October 2005
Utah Substance Abuse and Anti-Violence Coordinating Council
Commission on Criminal and Juvenile Justice*

Senate Bill 1004 – *Drug Offender Reform Act – Pilot Program* passed during the First Special Session of the 2005 Utah Legislature. This report is prepared in accordance with §63-25a-205.5 of the Utah Code, which establishes the Drug Offender Reform Act Pilot Study and requires the Utah Substance Abuse and Anti-Violence (USA AV) Coordinating Council to evaluate the progress of the study and report to the Legislature annually.

S.B. 1004 created a three-year pilot study in the courts of the Third Judicial District, located in Salt Lake County. The purpose of the study is to examine the impact of providing substance abuse screening, assessment and treatment for felony offenders charged with violating Utah's Controlled Substances Act (§58-37, Utah Code), from July 1, 2005 through June 30, 2008. Screenings are to be conducted through June 30, 2007; assessments and treatment based on the screenings are to be conducted through June 30, 2008, the final date of the study.

Appropriations

S.B. 1004 appropriated \$500,000 for the first year of the program as follows: \$75,000 to the Commission on Criminal and Juvenile Justice; \$315,000 to the Department of Human Services; \$10,000 to the Judicial Council and State Court Administrator; and \$100,000 to the Department of Corrections. The pilot program is limited to 250 offenders, at a total cost of \$1,417,400. State agencies involved in the pilot study will request the balance of \$914,400 during the Utah Legislature's 2006 General Session.

DORA Implementation Workgroup

The USA AV Council has established a DORA Implementation Workgroup composed of key state and Salt Lake County corrections, judicial, and treatment officials. The workgroup has met on a regular basis, both prior to and since the pilot program began on July 1, 2005, and will continue to meet throughout the study.

Implementation Guidelines

S.B. 1004 required the Utah Substance Abuse and Anti-Violence Coordinating Council to develop an implementation plan and guidelines for the pilot study. The following are the guidelines for implementing the pilot program that have been adopted by the USAAV Council.

The DORA Process

- Offender is arrested for a felony drug offense.
- Offender is pre-screened to eliminate non-DORA eligible candidates.
- Offender is convicted of a felony drug offense.
- Judge orders a screening prior to sentencing (unless offender is pre-screened out or will not face a sentencing hearing).
- Offender is screened utilizing the Levels of Service Index (LSI).
- Offender who is screened and who meets the DORA criteria will be assessed utilizing the Addiction Severity Index (ASI) to determine the level of treatment needed.
- A Release of Information form is obtained from the offender to participate in DORA and in the study.
- The Pre-Sentence Investigation Report indicates if the offender is DORA eligible and recommends a level of treatment and a treatment program based on the ASAM (American Society of Addiction Medicine) criteria, and recommends a level of supervision as indicated by the LSI.
- Judges may order up to 250 offenders into DORA treatment slots.
- The DORA offender is case managed by the AP&P DORA agent, in consultation with treatment provider.
- Outcomes measurement is administered by the treatment agency

and overall outcomes are tracked by CCJJ and the U of U Criminal and Juvenile Justice Research Consortium.

DORA Screening Process

- Offenders are pre-screened to eliminate non-DORA eligible candidates, including:
 - Immigration holds
 - U.S. Marshall holds
 - Commitments to prison
 - Parolees
 - Sex offenders
 - Non-Salt Lake County residents
- DORA Screening is:
 - Ordered by the court for those convicted of a felony drug offense
 - Conducted by AP&P and included in the Pre-Sentence Investigation Report
 - An ASI assessment is conducted if indicated by the screening and if the offender meets DORA criteria

DORA Criteria

- Offender **MUST** have a current felony drug conviction (CANNOT be plead to a misdemeanor).
- Offender **CANNOT** currently be on felony probation.
- Offender **CANNOT** be facing a deportable offense.
- Offender must have **NO** current or past convictions for a sex offense requiring registration.
- Offender's total LSI Score must be less than 40.
- Offender **CANNOT** be ordered to more than 90 days of jail, post-sentencing.
- In Salt Lake County, assessment **MUST** result in treatment.

- Offender CANNOT be ordered to felony drug court.
- Offender MUST be a resident of Salt Lake County and supervised in Salt Lake County.

DORA Control Group

- Davis County

DORA Supervision Model

- At the start of treatment:
 - Hand-off meeting with offender, assessor, agent and provider
 - Release of information
 - Review treatment plan
 - Discuss consequences of program failure/success
- During treatment:
 - Frequent communication on offender's progress/violations,
 - Case management team approach
 - Observed urinalysis tests
 - Immediate response to problems
 - Positive reinforcement
- At the conclusion of treatment:
 - Pre-release planning for aftercare and living arrangements
 - Consequences of unsuccessful completion and alternatives.

DORA Funding Mechanism

- The Department of Human Services will award funds to Salt Lake County.
- Salt Lake County will contract with treatment providers.
- Judges will order up to 250 DORA eligible offenders into DORA treatment slots.
- The offender's treatment episode will be fully funded, even in the unlikely event they are released from supervision.

DORA Research Study

During the First Special Session of the 2005 Utah Legislature, \$75,000 was appropriated to the Commission on Criminal and Juvenile Justice (CCJJ) to study the impacts of the DORA pilot project. Most of these funds, \$60,000, were subcontracted to the Criminal and Juvenile Justice Consortium (CJJC), housed at the Graduate School of Social Work at the University of Utah. This will ensure a professional and independent review of the impacts of the pilot program established in Salt Lake County.

The contract effective date was July 1, 2005, and the contract will terminate on June 30, 2008. A portion (\$15,000) of the appropriation will remain with CCJJ to account for time spent with the CJJC over the course of three years for the purposes of reviewing methodologies and assisting in gaining access to data and individuals necessary for this project. During the course of the project, the CJJC will be responsible for providing quarterly reports to CCJJ related both to the progress of the overall project and to the expenses incurred during the prior quarter. The contract also requires the Principle Investigator to report, when requested, on issues related to initial findings, project implementation progress, and the overall research project progress.

The evaluation of the pilot project in Salt Lake County will include both process and outcome components. The process evaluation will include, but not be limited to, an examination of the number of offenders not screened for DORA participation and why, the number of offenders who do require a substance abuse assessment, and the number of offenders qualifying for DORA who are rejected and why they were rejected. The process component will also evaluate the costs of DORA, including actual treatment costs, assessment costs, and supervision costs. Researchers will also

either survey or interview stakeholders involved with DORA implementation to discover the positive and negative aspects of the program.

The outcome evaluation will compare a variety of measures between a control group and an experimental group. The experimental group will include the offenders who participate in the DORA program in Salt Lake County. After reviewing characteristics of offenders in urban counties similar to Salt Lake County, researchers decided to use a comparable group of offenders from Davis County as the comparison group. These offenders will be matched to the characteristics of DORA participants in Salt Lake County. By comparing these groups, researchers will be able to discover whether outcomes associated with the Salt Lake County group are better than outcomes associated with the Davis County group. Measures will include, but not be limited to, days spent in treatment, treatment compliance, proportion completing treatment, number of probation violations, number of new arrests, and number of jail/prison days avoided.

Vision for the Drug Offender Reform Act

In summary, the vision for the Drug Offender Reform Act is to improve Utah's response to offenders with drug addictions. We envision this being accomplished in several ways. First, drug screening and assessment occur prior to sentencing, which provides the judge with specific information regarding the offender's substance abuse treatment and supervision needs. This facilitates more appropriate placement of offenders with a drug addiction. Second, treatment and supervision are adequately funded to ensure offenders requiring treatment are able to access treatment resources immediately after sentencing. Finally, coordination occurs between the treatment provider and the agency responsible for supervising the offender. By keeping each other informed of the offender's progress, both in treatment and on supervision, a more comprehensive array of services and consequences can be leveled at the offender, thus attaining better individual outcomes.

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